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Lawmakers debate curbs on public records requests

By The Associated Press and herald staff

OLYMPIA -- State lawmakers are exploring a plan that could limit how governments respond to requests for public documents, allowing them to get a court order if they can prove that a request creates a "significant burden."

The measure discussed by lawmakers Tuesday also would permit agencies to adopt policies limiting the amount of time devoted to responding to records requests. Several agencies in the Mid-Columbia have had their fair share of records requests:

]-- A dispute between a former mayor and the city of Mesa led to a lawsuit over the ex-mayor's public records requests.

-- A lengthy battle over whether Franklin County must release personal information and personnel records about county jail employees will be considered by the state Court of Appeals in May. The county is fighting prison inmate Allan Parmelee, a convicted arsonist, who has filed multiple public records requests with the county during the past several years.

-- Kennewick attorney John Ziobro requested all travel and other expense records of all Port of Kennewick employees, consultants and contractors dating back to Jan. 1, 2005. Port officials hired a law firm to plow through about 38,000 pages of documents before releasing them in their largest ever public records request.

-- Roger Lenk, who lives in the Franklin County doughnut hole area, has filed records requests with the city of Pasco for documents related to the annexation of the area in which he lives, including virtually every document Gary Crutchfield has touched in his 30 years as city manager.

Some government leaders pointed to anecdotal cases of individuals who repeatedly filed broad and onerous requests that consumed large chunks of staff time. Some appeared to have been simply trying to harass an agency due to a grudge.

"There needs to be a remedy for the harassing requests made for the purpose of slowing down county government," said Kevin Bouchey, a Yakima County commissioner.

But open-government advocates said there are already methods to deal with abusive requesters. Rowland Thompson, who represents the Allied Daily Newspapers of Washington, said agencies can seek clarification from requestors to help identify the

proper records. And he said agencies can disclose the records in batches, forcing the document-seeker to take action to keep the request active.

Others contended that the proposal would allow government officials to avoid the disclosure of records when someone is investigating wrongdoing.

"You're really flipping the public records act on its head and creating a presumption that is very difficult to prove in court," said Joan Mell, an attorney in Pierce County.

Senate lawmakers separately examined a bill that would allow agencies to charge fees for searching and processing records for commercial requests. Government officials said they were constantly responding to requests from data-mining firms.

Read more here: <http://www.tri-cityherald.com/2012/02/01/1809232/lawmakers-debate-curbs-on-public.html#storylink=cpy>